

## BUS TESTING REQUIREMENTS NEW BUS MODELS

### JUSTIFICATION

#### 1. Circumstances that make the collection necessary.

49 U.S.C. Section 5323(c) provides that no federal funds appropriated or made available after September 30, 1989, may be obligated or expended for the acquisition of a new bus model (including any model using alternative fuels) unless a bus of such model has been tested at the Bus Testing Center in Altoona, Pennsylvania. Furthermore, 49 U.S.C. Section 5318(a) specifies that each new bus model is to be tested for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.

On July 28, 1992, FTA published its Third Interim Final Rule (49 CFR Part 665, the Bus Testing Regulation) relating to the bus testing requirements. In general, two additional categories of buses were required to be tested (4 and 5 year) and partial testing was permitted under specified circumstances. On April 1, 2003, FTA published a notice adopting the Interim Final Rule as a Final Rule without changes.

The Pennsylvania Transportation Institute (PTI) operates the Bus Testing Center under a cooperative agreement with the Federal Transit Administration (FTA). PTI operates and maintains the Center and establishes and collects fees for the testing of the vehicles at the facility. Such fees are approved by FTA. Upon completion of the testing of the vehicle at the Center, a test report is provided to the entity (usually the bus manufacturer) that executed the contract with PTI for testing of the new bus model. 49 CFR Part 665.7(a) states that a recipient of FTA funds must certify that it has obtained a copy of the applicable test report before final acceptance of the first bus.

FTA must collect information from a bus manufacturer or other entity wishing to have a bus tested at the Bus Testing Center. This information is needed in order to document the specific bus that has been submitted plus its provided inventory of spare parts, and certify that the bus is licensed for operation on public roadways, carries adequate insurance, and complies with applicable Federal Motor Vehicle Safety Standards. The manufacturer or other entity must also provide such information as is necessary to execute the Contract for Testing and provide payment.

#### 2. How, by whom, and for what purpose the information is to be used.

PTI provides the bus manufacturer or entity having the test conducted with a test report upon completion of all the required testing at the Center. The bus manufacturer may maintain the test report on file; however the majority of dissemination responsibilities are handled by the Altoona Bus Testing Center (ABTC). Therefore, with the test report in hand, the bus manufacturer certifies that the bus to be purchased is the same model as the new bus model vehicle for which the test report was prepared at the Bus Testing Center. The purpose of bus testing is not to set a standard or grade the performance of the new bus model, but to provide performance information that the transit agency(s) may use to inform their purchasing decisions. PTI maintains a reference file for all the test reports which are made available to the public.

### 3. Consideration of improved information technology.

To enhance the accessibility and usefulness of the data in the bus testing reports, the reports may now be downloaded from the bus testing database available at [www.altoonabustest.com](http://www.altoonabustest.com). The bus testing database also allows users the ability to search, filter, and export much of this data for offline analysis.

### 4. Efforts to identify duplication.

There is no duplication. No other entity conducts and documents comparable data from testing of new bus models. The information (test report) is produced by PTI and is the only place all of the test reports will be made available. A bus manufacturer may only distribute copies of the test report(s) for their tested vehicle(s). In addition, the bus testing regulation allows partial testing of new bus models under certain circumstances.

### 5. Why any similar information already available cannot be used or modified.

The legislation and implementing regulation requires that new bus models and substantially revised bus models be tested at the Test Center established in Altoona, Pennsylvania, and an audit of other test data is not acceptable as stated above.

### 6. Methods used to minimize burden on small businesses or other small entities.

Each test report is prepared by PTI. Each bus manufacturer or entity under contract with PTI for testing of the vehicle, will keep copies of the Test Report related to that specific bus model in its files. This is considered as a minimal cost burden to the entity having the bus tested. The test report is the only information or documentation that will be made available publicly in connection with any bus model tested at the Center.

### 7. Consequences to Federal program or policy activities if collection were conducted less frequently.

It is not possible to collect the information less frequently, since it is only collected when a bus is actually tested.

### 8. Special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR 1320.6.

The collection requirement is consistent with 5 CFR 1360.6.

### 9. Efforts to consult with persons outside the agency to obtain their views.

49 CFR Part 665, Bus Testing Program, Reinstatement and Modification of Interim Final Rulemaking dated, July 28, 1992, did not receive any comments indicating that the "reporting" requirements associated with the test reports are burdensome. In developing the Interim Rule, FTA met with industry and grantee groups. Minutes of these meetings as well as two reports on FTA's options regarding the implementation of this rule are part of the docket and are available

for public inspection. The FTA met with the Community Transportation Association of America's membership to gain their input concerning the implementation of the bus testing requirements for the 4 and 5-year vehicles.

At FTA's direction, PTI convened two industry workshops in 2002 to exchange ideas and solicit feedback on the bus testing program. No comments were received with regard to any paperwork burden associated with the program.

A 60-day Federal Register Notice was published on June 20, 2006 (pages 35479 and 35480), soliciting comments on a justification similar to this one prior to submission to the Office of Management and Budget (OMB). No comments were received. A 30-day Federal Register Notice was published on September 12, 2006.

10. Assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

The implementing regulation requires that upon completion of testing of a new bus model at the Bus Testing Center, PTI, will provide a test report to the bus manufacturer or entity that entered into a contract with the Center for testing of the vehicle. Unless the manufacturer or entity specifies in writing that the vehicle will never be marketed, the vehicle test report automatically becomes a public document 60 days after completion of the test. A test must be available if the bus manufacturer responds to a procurement bid by an FTA-funded recipient. The test report(s) may be ordered from the Altoona Bus Testing Center for \$12.00 each plus shipping charges. PTI will make available for distribution copies of all publicly available test reports.

49 CFR Part 665.13(e) states that, "The test report is the only information or documentation that will be made available publicly in connection with any bus model tested at the facility." With the recent launch of the bus testing database, it is now also possible to obtain the same information that appears in the official bus testing reports in an electronic format.

FTA policy is to treat as confidential all information provided to it for purposes of evaluating requests for assistance in determining testing requirements for bus models that have been previously tested but are now being produced with changes.

11. Additional justification for any questions of a sensitive nature.

No sensitive information is required.

12. Estimate of the hour burden of the collection of information and annualized cost to respondents.

Respondents Annual Cost.

The operator of the Bus Testing Program is authorized to operate and maintain the Bus Testing Center by the collection of fees from the testing of vehicles at the Center. The fee schedule established by PTI for bus testing is approved by FTA's Administrator. The estimated costs to

the respondents for the 20 percent share of the testing fee (full testing of new model bus) are as follows:

- Each 12 Year Vehicle:  $\$156,890 \times .20 = \$31,378$
- Each 10 Year Vehicle:  $\$124,270 \times .20 = \$24,854$
- Each 7 Year Vehicle:  $\$94,760 \times .20 = \$18,952$
- Each 5 Year Vehicle:  $\$74,560 \times .20 = \$14,912$
- Each 4 Year Vehicle:  $\$57,470 \times .20 = \$11,494$

Total = \$101,590

The 20 percent share of the testing fee for partial testing of a new model bus is based on the cost of each individual test that will be required. FTA estimates that 18 buses will actually complete a full or partial test in a typical year.

Manufacturers may, and often do, seek assistance from FTA's Office of Technology to determine the applicability of the bus testing regulation to specific vehicle configurations. Correspondence may include technical drawings, detailed descriptions of changes, and photographs. The estimated cost to a manufacturer to prepare such correspondence for a single typical inquiry is estimated as follows:

Technical presentation:	\$100.00 (2 hours senior professional @ \$50.00/hr)
Clerical:	<u>\$20.00</u> (1 hour admin support @ \$20.00/hr)
Subtotal:	\$120.00 (\$40/hour weighted average)

Based on an average rate of 30 manufacturer requests for assistance annually, the total cost to the industry is estimated as:

Total cost = 30 x \$120.00 = \$3,600.00
Total hours = 30 x 3 = 90 hours

As stated under the cost section, FTA estimates that approximately 18 bus manufacturers and recipients a year will require the full testing of new bus models or partial testing of previously-tested buses being produced with major changes. PTI operates the Test Center, conducts the tests, and produces the report(s). The bus manufacturer or the entity having the bus tested may maintain the report on file; however, the Altoona Bus Testing Center routinely handles all requests for dissemination of test reports and maintains file copies of all test reports.

To minimize the administrative burdens associated with the regulation, FTA requires that a recipient certify compliance with the regulation. Recognizing that some minor changes may be made to a vehicle(s), the regulation provides that the bus manufacturer's certification describes any changes that have been made to the vehicle since the new bus model was tested at the Bus Testing Center. On the other hand, if the bus manufacturer is of the opinion that a new bus model does not require additional testing, an explanation is included stating why these changes

are not major. Therefore, the bus manufacturer's response includes a statement as to why the vehicle should not be required to undergo bus testing for a second time at the Center. If a bus manufacturer or entity is uncertain as to whether a particular change is "major," it may request an FTA review on a case-by-case basis, and FTA determines what tests, if any, should be performed at the Center. These certification procedures are designed to strike a balance between administrative burden and adequate assurance of compliance with the legislation.

As indicated above under the estimate of respondents' annual cost, FTA estimates that based on program experience and discussions with bus manufacturers and recipients, the entire compliance process on average will total approximately 3 hours per year for each of the 18 buses tested in a typical year, for a total hourly burden associated with testing of 54 hours. At a weighted average hourly cost of \$40/hour, this equates to an annual cost burden of \$2,160.

The recipients' burden related to the certification process is limited to contacting the Altoona Bus Testing Center to request a copy of a bus testing report, or contacting FTA to obtain a copy of an existing determination letter. The burden associated is estimated at 0.5 hours per correspondence. Program experience indicates that requests to the Bus Testing Center for test reports are on the order of 10 requests per week. Requests to FTA for copies of existing determination letters are less frequent. (Copies of determination letters are typically provided by the manufacturer along with the corresponding test report.) The hourly burden for requesting test reports and determination letters is therefore estimated at (10 requests/week x 52 weeks/year x 0.5 hours/request = 260 hours/year). At the assumed administrative hourly rate of \$20/hour, this equates to an estimated annual cost burden of \$5,200.

This equals \$10,960 for determination requests, compliance, and

This equals \$10,960 for determination requests, compliance, and certification (\$3,600 + \$2,160 + \$5,200). The cost of the test fees is highly variable, but is known in advance for any particular bus to be tested. The total cost is \$112,550 (\$101,590 + \$10,960).

The total annual certification burden of is 404 hours.

#### 14. Estimate of annualized cost to the federal government.

Effective December 1991, the agency's federal share of the bus testing fee for a new model bus tested at the Altoona Bus Testing Center has been 80 percent of the testing cost for those vehicles requiring testing. The fee includes the normal costs for testing, vehicle servicing, and routine maintenance, inspection and fuel. The 80 percent federal share is paid directly to PTI, on a reimbursable basis for tests performed. Also, the 80 percent federal share of the testing fee applies to those vehicles that are eligible for partial testing. Partial testing for new model buses became effective on July 28, 1992.

The time and fee schedule for bus testing indicates the total testing fee for the five categories and the entity or manufacturers' 20 percent share of the testing fee. The estimated

costs of the 80 percent of the federal share of the testing fee (full testing of new bus model) are

as follows:

- Each 12 Year Vehicle:  $\$156,890 \times .80 = \$125,512$
- Each 10 Year Vehicle:  $\$124,270 \times .80 = \$99,416$
- Each 7 Year Vehicle:  $\$ 94,760 \times .80 = \$75,808$
- Each 5 Year Vehicle:  $\$ 74,560 \times .80 = \$59,648$
- Each 4 Year Vehicle:  $\$ 57,470 \times .80 = \$45,976$

Total = \$406,360

The 80 percent of the federal share for partial testing of a new model bus will be based on the cost of each individual test that will be required. FTA estimates that 18 buses will complete a full or partial test in a typical year.

13. Estimate of annualized cost to respondents or recordkeepers resulting from the collection of information (not including the cost of any hour burden shown in Items 12 and 14.

The increase in burden costs is due to an adjustment. FTA has updated its burden estimates since the previous request for extension based on experience and more accurate assumptions.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The increase in burden hours of 351 hours is due to an adjustment. FTA has updated its burden estimates since the previous request for extension based on experience and more accurate assumptions.

16. Outline plans for tabulation and publication for collections of information whose results will be published.

FTA does not plan to publish this information.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

18. Explain any exception to the certification statement identified in Item 19 of OMB Form 83-I.

There are no exceptions.

B. Collections of information employing statistical methods.

FTA does not utilize statistical methods due to the legislative mandate of the program that each new bus model must be tested. The bus testing database, available at [www.altoonabustest.com](http://www.altoonabustest.com) allows users to export certain data from the bus testing reports that can then be subjected to statistical analyses by the user.

#### Attachments to Justification Statement

60-Day Federal Register Notice

30-Day Federal Register Notice

49 USC Section 5318(a)–Bus Testing Facility

49 USC Section 5323(c)–General Provision on Assistance

49 CFR Part 665–Bus Testing